



PLANNING COMMISSION STAFF REPORT JUNE 8, 2006

Project:	BRYANT STREET NEIGHBORHOOD CONSERVATION DISTRICT- (PLN2005-00239)
Proposal:	To consider a General Plan amendment from Community Commercial to Residential – 6.5 to 10 dwelling units per acre with a Neighborhood Conservation District Overlay and a Rezoning from C-C (H) (H-I) to Planned District (H) for ten parcels on the western half of the block bounded by Bryant Street between Anza Street and Grove Avenue.
Recommendation:	To recommend approval of the General Plan Amendment and Planned District application subject to Findings and Conditions of Approval.
Location:	East side of Bryant street between Anza and Grove Avenue in the Mission San Jose planning area. APN's 513-0609-040-00, 513-0609-041-00, 513-0609-046-00, 513-0609-047-01, 513-0609-48-03, 513-0609-049-00, 513-0609-50-00, 513-0609-051-00 & 513-0609-052-00 (See aerial photo next page)
Area:	Rectangular 1.55 acre area with a total of ten lots: Five of the lots are exactly 7,500 square feet in area, four are approximately 5,000 square feet and one is 10,000 square feet.
People:	Ray Lincoln, Applicant (representing all property owners) Tom Hardy, Consultant Nancy Minicucci, Staff Planner (510) 494-4476; nminicucci@ci.fremont.ca.us
Environmental Review:	A Draft Mitigated Negative Declaration was circulated for this project.
General Plan:	Existing: Community Commercial Proposed: Residential – Medium density – 6.5 to 10 dwelling units per acre
Zoning:	Existing: Community Commercial, Historical Overlay and Hillside Combining District (C-C) (H) (H-I) Proposed: P-2005-00239 Planned District, (H) Historical Overlay

EXECUTIVE SUMMARY:

The applicant is requesting approval of a General Plan Amendment and a Planned District application to allow the construction of new single-family homes and / or secondary single-family homes on existing parcels located in the above-mentioned commercial parcels in the Historic Overlay District of Mission San Jose. Specific design guidelines have been developed that guide the site design, architecture, materials and landscaping for all new construction in an effort to allow residential development that is consistent with the existing historic character. Two properties are eligible for both California and National Registers (246 and 288 Grove Avenue). On June 1, 2006, the Historical Architectural Review Board voted to recommend approval to City Council with added conditions (4-0-0-1). Staff supports the approval of HARB's conditions.



N



Figure 1: Aerial Photo (2002) of Project Site and Surrounding Area.

SURROUNDING LAND USES:

North: Single-family residential / Commercial (C-C) (H) (H-I)
 South: MSJ Neighborhood Conservation District (R-2) (H) (H-I)
 East: Commercial (C-C) (H) (H-I)
 West: Medium density single-family residential (R-1-6) (H-I)

BACKGROUND AND PREVIOUS ACTIONS:

On November 17, 1998, the City Council approved a General Plan Amendment and Rezoning for several properties in the Historic Overlay District of Mission San Jose. Included in the City Council action was the block bounded by Ellsworth Street, Anza Street, Cedar Street and Bryant Street (located south of the project area). The Council reduced the General Plan density for certain properties not already developed from Residential 18-23 dwelling units per acre to Residential 6.5 to 10 dwelling units per acre in that subject area. Prior to the City Council action, the 18-23 dwelling units per acre designation resulted in the development of multi-family (primarily tri-plexes) in the midst of small houses on 7500 square foot lots built in the late 19th century and up to the 1930's. As a result of this mixture, the block lost much of its single-family residential character.

The Council directed staff to proceed with the development of a Historic Conservation Area General Plan designation and appropriate zoning and policy implementation measures for consideration by HARB, the Planning Commission and City Council that might restore some of the past residential flavor while allowing for additional dwellings to be built in the area. The result was the Mission San Jose Neighborhood Conservation District (Subarea C.3) Design Guidelines, approved on August 26, 1999, which guide new development in the area, bounded by Ellsworth Street, Anza Street, Cedar Street and Bryant Street. A copy of the approved design guidelines are found in the Planning Commissioner's packets as an informational item.

The guidelines and regulations are tailored to guide the construction of additions to an existing dwelling on a lot or the construction of another dwelling on a lot. Fundamental to the existing guidelines is ability to develop two dwellings on a lot without the standard two-car garage and driveways facing the streets. The approved site development criteria modified the setback requirements of the R-2, Zoning District.

Normally, with reference to residential development, HARB reviews only multifamily dwellings or Primary Historic Resources in the Historic Overlay District (multifamily dwelling units are defined as three or more units). Under the existing Subarea C.3 Guidelines, HARB reviews for approval new single family and two family dwellings and side and front yard additions to single family or two family dwellings on property with this designation. Additions to rear yards are subject to staff review. Guidelines and special regulations for additions and new dwellings were approved to assure that new construction incrementally restore to maximum extent feasible, the historic residential character of the block.

On June 1, 2006, the Historical Architectural Review Board considered the application and voted 4-0-0-1 to recommend approval to City Council with additional conditions to be added to the proposed *Design Guidelines*. The following conditions were recommended by HARB and have been added to the proposed conditions of approval for City Council review:

1. Clarification to minimum requirements regarding setbacks and area sizes.
2. Change wording on page 4 of the proposed *Design Guidelines* under the 'Houses' section from 'Detailing and ornamentation should be modest and cohesive, and not mimic inappropriate historic styles (such as French Chateau or Tuscan Villa). Re-creation or imitation of any historic style is totally inappropriate' to 'Detailing and ornamentation should be modest and cohesive,

giving reference to local historically significant architectural vernacular, without re-creating or imitating historic styles, and without referencing or mimicking inappropriate historic styles.’

3. Change wording on page 6 of the *Design Guidelines* from ‘Where visible from offsite locations, skylights should be flat lens type’ to ‘it is encouraged that proposals which include skylights are designed to not be visible from off-site locations; with particular consideration for views from locations accessible to the public. Where possible, roof penetrations and roof-mounted equipment (*e.g.*, sewer vents, appliance chimneys, *etc.*) should be located on roof elevations that are hidden from street view and view from other off-site locations accessible to the public’.
4. Remove wording on page 7 of the proposed *Design Guidelines* to not include ‘post-mounted wire netting’ type fencing.’ Also add wording with regards to not permitting the use of chain link fences.
5. Efforts to be made in the new designs to encourage maximum roof pitch so that new homes are compatible with the existing homes in the project area.

PROJECT DESCRIPTION:

The project site is a rectangular 1.55-acre area constituting half of the city block, and is bounded by Bryant Street on the west, Grove Avenue on the north, and Anza Street on the south. Two properties (one on either side) front the ends of the block. The remainder of the block (fronting on Ellsworth Street) is undeveloped except for a learning center at the far southeast. The properties off of Ellsworth are not part of this application.

The setting of the project area can be characterized in the majority by turn-of the century homes on large lots, most of which are deep and relatively narrow. Historically, garages have been detached and set back from the home. Five of the lots measure 7,500 square feet in area, four are approximately 5,000 square feet, and one is 10,000 square feet. Some of the properties in the subject area are vacant while others are occupied by a single-family home. A newer (1950s) residential subdivision exists on the other side of Bryant Street. The Mission San Jose Neighborhood Conservation area (also known as Subarea C.3) lies on selected parcels within the block immediately south of this location.

The Planning Commission is being asked to consider a General Plan Amendment from Community Commercial to Residential rezoning, 6.5 to 10 dwelling units per acre with a Neighborhood Conservation Overlay and a Planned District allowing one new single-family home on existing 5,000 square foot lots and two units on specific 7,500 square foot lots. Approval of the proposed *Residential Site Development and Design Terms of Reference* for the proposed Neighborhood Conservation Overlay area is also being requested.

Historical Status

Two properties located in the subject area have been identified as being eligible for both the National and California registers. The property known as the Martin House ca. 1889 located on 246 Grove and the Periera House ca. 1885 is located at 288 Grove Avenue (at the corner of Grove and Bryant). Department of Parks and Recreation (DPR) forms were prepared by the City in 1999, as part of the “List of 100” program. Forms for both the Martin House and Periera House have been added to the proposed

Bryant Street Residential Site Development and Design Terms of Reference. Two other properties, one on 43434 Bryant Avenue (ca. 1900) and the other 43442 Bryant (ca. 1920) have been identified as having some level of historical integrity due to the neighborhood context.

PROJECT ANALYSIS:

General Plan Conformance:

The existing General Plan land use designation for the project site is Community Commercial. The applicant is proposing to amend the General Plan designation to Medium Density Residential 6.5 to 10 dwelling units per acre. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

FUNDAMENTAL GOAL F-13: VITAL CONNECTIONS BETWEEN THE HISTORY AND HERITAGE OF THE COMMUNITY AND EVERYDAY LIFE.

***Analysis:** This General Plan Amendment will assist in achieving the City's policy to preserve the historic character of one of the oldest residential areas within the Mission San Jose area. The proposed Residential Site Development and Design Terms of Reference is a primary tool to retain and improve the single-family residential character of this block while providing an incentive to retain significant houses that contribute to the historic character of the area, by allowing a second unit on a 7,500 square foot, if the existing dwelling is maintained and preserved.*

Policy LU7.3: It is the policy of the City of Fremont to protect, enhance, perpetuate and use structures, sites and areas which are reminders of past eras, events, and persons important in local, State, or National history. Resources which provide significant examples of architectural styles of the past are unique and irreplaceable assets to the community should be protected to provide for the present and future generations examples of physical surroundings in which past generations lived.

***Analysis:** Several properties in the subject area have homes built in the late 19th and early 20th Century. These homes represent a part of Fremont's Heritage and add to the historic ambience in the Historic Overlay Area. The proposed General Plan Amendment and Neighborhood Conservation Overlay area will establish the City's intent to protect the existing single-family homes while building new homes that are designed to be compatible with existing historic resources.*

Goal H1: Conservation and enhancement of existing residential neighborhoods.

Goal H2: High quality and well-designed new housing of all types throughout the city.

***Analysis:** The proposed General Plan Amendment is compatible with these two housing goals. The proposed General Plan Amendment from Community Commercial (C-C) to Medium Density Residential (6.5-10 units per acre) could result in the future development of properties that are compatible to the historical architectural character of existing homes. As mentioned earlier, as an incentive to retain historic homes that contribute to the historic character of the area, the Guidelines suggest considering allowing a second unit on the 7,500 square foot lots, if the existing dwelling is retained and maintained. The proposed land use has the potential to enhance the existing residential community by providing a well-designed residential buildings, parking and landscaping through the approval of the proposed Residential Site Development and Design Terms of Reference.*

Mission San Jose Design Guidelines Conformance:

The Mission San Jose Historic Overlay District Design Guidelines and Regulations were adopted by the City Council on May 26, 1998. On August 26, 1999, the MSJ Design Guidelines were amended as part of the approval of the Mission San Jose Neighborhood Conservation Overlay district (Subarea C.3) for specific properties bounded by Ellsworth, Anza, Cedar and Bryant Street. The amendment included design guidelines for new development on those subject properties and outlined the process for reviewing new construction projects and additions in the subject area. This proposed Planned District and General Plan application does not amend the original Neighborhood Conservation Overlay area. Rather, as a matter of consistency, much of what is required by the original Neighborhood Conservation district can be found in the proposed document. The proposed *Guidelines*, however, are more specific in terms of recommending specific building materials, glazing, driveway design and paving materials. Photographs of single-family homes illustrating character-defining features can be used as a reference for developers for future development.

The MSJ guidelines do not apply to single-family homes unless those properties are also Primary Historic Resources or are part of the existing Neighborhood Conservation Overlay area. The proposed Planned District and General Plan Amendment expands the size of the approved Neighborhood Conservation Overlay area in the Mission San Jose Historical Overlay District.

The process for review outlined in the attachment to the MSJ Design Guidelines (provided in Planning Commissioner's packets) will be followed for the Bryant Street Conservation District whereby granting HARB the ability to review for approval new single family and two family dwellings and side and front yard additions to single family or two family dwellings on property designated Neighborhood Conservation Area on the General Plan. As indicated in the original approvals, the Development Organization will review for approval rear yard additions to single family or two family dwellings on property designated a Neighborhood Conservation Area on the General Plan. This process is also outlined in the Conditions of Approval.

Zoning Regulations:

The project proposes to ultimately change the zoning designation from Community Commercial (C-C), Historical Overlay (H) and Hillside Combining District (H-I) to P2005-239 (H) Planned District, Historical Overlay. Figures 1 through 5 (attached to this report) illustrate how development should occur on the subject parcels based on the proposed *Bryant Street Residential Site Development and Design Terms of Reference*. This Planned District will guide the construction of additions to an existing dwelling on a lot, or the construction of another dwelling on a lot by setting standards for front, side and rear yard setbacks in an effort to retain the existing residential character and to reduce the visual dominance of parking and garages along street frontages.

The following table summarizes the required height, yard, density driveway coverage and parking requirements as described and illustrated in the proposed *Bryant Street Residential Site Development and Design Terms of Reference*:

	50' X 100' Lots	75' X 100' Lots
Parcel size	5,000 square feet	7,500 square feet
Building Height	Not to exceed two stories or 25 feet in height, as measured to the highest point of the roof, from natural grade	Not to exceed two stories or 25 feet in height, as measured to the highest point of the roof, from natural grade
Building Coverage	1,400 square feet (ground level footprint of house and detached garage)	2,500 square feet maximum (ground level footprint of both houses and detached garages)
Front Yard Setback	20 feet; 800 square feet*	20 feet, 800 square feet*
Side Yard Setback	5 feet, 1000 square feet*	5 feet, 1500 square feet*
Rear Yard Setback	25 feet, 1000 square feet*	15 feet, 600 square feet*
Parking or Storage of Vehicles	2 vehicles (covered spaces)	2 vehicles (covered spaces); 4 covered parking spaces for two homes
Driveways	800 square feet maximum	1,100 square feet maximum

*Refer to Figures 2-5

Non-conforming Uses of Structures or Buildings

Currently, the subject lots are either vacant or hold one single-family home. Under the current zoning designation of C-C in the subject area, the vacant parcels would have to be developed as commercial. The status of the existing single-family homes on the subject property is non-conforming. Currently, an owner of a single-family home in the subject area could expand the principal structure and/ or to detached accessory structure as long as it does not exceed 500 square feet. The addition or detached accessory unit would have to conform to R-1-6 zoning district regulations. In addition, the nonconforming use of a structure or building cannot continue if the use has ceased for twelve consecutive months or for eighteen months in any consecutive period of thirty-six months. When such a cessation of use has occurred, the premises or structure shall only be used for the purposes allowed in the district in which it is located. The proposed application would rezone the properties from Community - Commercial to Residential and therefore, the existing uses of the single-family homes would be once again conforming. It should be noted however, that some of the existing homes, based on their placement on a subject lot, would be non-conforming due to the required setback requirements. Staff has included an *Adjustment and Exception* condition of approval for the proposed Planned District (as approved in the existing Subarea C.3 guidelines) to assist in the further development of a property which otherwise would satisfy the Planned District's objectives. It reads as follows:

Adjustments and Exceptions: It is recognized that existing dwellings might not meet some of the standards established in the guidelines, e.g., an existing dwelling already may

encroach into required front and side yard setbacks. Adjustments or exceptions to one or more specific requirements of these guidelines and regulations may be considered with respect to proposed alterations or additions to existing single-family residential properties, when such alterations or additions will nevertheless satisfy the overall objectives and all other specific requirements of these guidelines and regulations. Additions to existing single-family residential property include construction of a detached second residential unit.

Parking:

As outlined in the approved MSJ Neighborhood Conservation Overlay District (Subarea C.3) guidelines, for each dwelling unit, two enclosed parking spaces (*garage not carport*) are required. Tandem parking with structures of enclosed parking areas is permitted to satisfy this requirement. There is no requirement to provide any additional off-street parking spaces. The proposed Guidelines will be consistent with the existing Subarea C.3 guidelines for the existing Neighborhood Conservation Overlay area.

Design Analysis:

As discussed in the proposed *Bryant Street Residential Site Development and Design Terms of Reference*, the historical residential neighborhood bounded by Grove Avenue, Bryant Street and Anza Street is semi-rural in nature, with character-defining views of the hills and surrounding landscape. Small, one-story single-family houses of different architectural styles characterize this neighborhood. The prevailing tradition of this historic neighborhood is of informal, vernacular construction.

Architecture:

The proposed *Residential Site Development and Design Terms of Reference* outline a building program that directs future development that maintains the small scale, residential character of the neighborhood in ways that also maintain its semi-rural features, open views, and historic setting. In all cases, the design of new structures should be considered in terms of relationships to the site and to neighboring structures.

The historic setting should be preserved so that its character-defining features are not obscured, damaged or destroyed. New houses should be modest in scale and presentation. They should also respect the relatively small scale of the parcels and adjacent properties by retaining open space and through views to the surroundings, and by minimizing mass and bulk. Structures should be rectilinear in plan with protrusions for porches and bays, and should be oriented parallel to the property lines.

As discussed in the design guidelines, openings should generally be vertically oriented. Roofs should be of moderate pitch and may be shed, hipped or gabled, or a combination of forms. Roof forms should express the concepts of entry and shelter. Detailing and ornamentation should be modest and cohesive, and not mimic inappropriate historic styles (such as French Chateau or Tuscan Villa). Re-creation or imitation of any historic style is inappropriate.

All structures should be designed to avoid monumental or massive buildings that are out of character or out of scale with their setting. Buildings should not have large expanses of a material on a single pane. Sizable roof overhangs (exceeding reasonable requirement for sun screening), decks and upper story

cantilevers should be avoided if the resulting form unnecessarily increases the bulk of the structure. Front porches are strongly encouraged.

Materials: In general, materials and finishes should be simple and modest, but may be combined to create shapes and profiles to minimize large expanses of single materials, and to add shadow lines and architectural interest.

- ❑ ***Siding and trim:*** Siding and trim should be painted wood.
- ❑ ***Roofing:*** Clay and cement tile roofing is inappropriate, and therefore should not be used. Roofing may include asphalt composition shingles or fire-retardant treated wood shingles. Roof penetrations and roof-mounted equipment must be compatible *with the roof color*. Where visible from offsite locations, skylights should be flat lens type.
- ❑ ***Windows:*** Windows should be painted wood, and generally operable to maximize opportunities for natural ventilation. Glazing must be clear. Reflective or tinted glass is not permitted.
- ❑ ***Doors:*** Painted wood. Avoid plain flat-single panel doors and ornate beveled glass lights. Paneled doors are encouraged, but highly ornate or fancy doors are inappropriate.
- ❑ ***Garages:*** Garages should be detached and separated from the main house and set back from the front of the house. Garage doors can utilize a signal opening to facilitate ease of parking, but proportions should be considered carefully. Detailing to resemble paired garage doors is encouraged. By contrast, a wide rectangular, horizontally oriented single garage door, which has more modern suburban feel, would be incompatible with this neighborhood.
- ❑ ***Driveways:*** Driveway paving materials should be compatible with the semi-rural character of this neighborhood. Asphalt and concrete and other impervious surfaces are to be avoided. Bricks or cast unit pavers have an inappropriate formal character and should not be used. Instead, use decomposed granite, gravel or other loose or soft paving materials.
- ❑ ***Fences:*** Separation and screening between properties can be achieved by planting and fences, but walls are not permitted. Fences are street frontage are not encouraged, but where necessary should be low and maximize transparency, such as picket fence. Fence material should be wood. Landscape walls of brick or stone are not permitted. Fences between adjoining parcels should avoid blocking views and should be as low as possible, and also should maximize transparency by staggering solid boards, employing a design that provides slots and gaps between fence members, or using post-mounted wire netting.
- ❑ ***Exterior Lighting:*** appropriate exterior lighting may be provided for security and safety. Exterior lighting should be designed to conserve energy and to eliminate glare or annoyance to adjacent properties or public areas. Primary light sources should be shielded and directed downward. Lamps should be of a minimal wattage and have a warm light color. Highly polished or stylized light fixtures are inappropriate.

Site Planning:

The proposed guidelines and conditions of approval are intended to guide property owners in preparing plans, and approving bodies in reviewing and approving such plans. Future residential development in this Bryant Street Neighborhood Conservation Overlay area is expressly intended to accommodate both expansion of existing dwelling units and construction of new dwelling units to a maximum of two units per parcel. In place of open and spacious yard environments that once characterized this neighborhood's residential properties, the present objective is to encourage development of mid-parcel outdoor areas of somewhat private nature and intimate scale, such as courtyards, screened options, decks and balconies. Figures 1 through 5 illustrate examples of site development plans that could meet the guidelines and regulations discussed in the *Guidelines*. As emphasized in the guidelines and character defining features illustrations, the intention the *Guidelines* is to promote design solutions for future residential development that emphasize smaller-scale buildings, coherent front yard setbacks, semi-private mid-parcel outdoor areas, and enclosed parking spaces with minimum visual impact. The *Guidelines* and regulations are applicable to alterations and additions to existing single-family residential properties as well as to new construction.

Open Space/Landscaping:

The existing landscaping found at the corner lot at Grove and Bryant can be characterized as being mature, and informal with highly transparent fencing, which contributes to semi-rural character of the neighborhood.

The proposed Bryant Street *Design Guidelines* provide direction regarding the type of plant materials that would be acceptable as well as landscape design. The following is a description that can be found in the proposed *Design Guidelines*:

Materials may be used to achieve desired shade, screening and privacy. Avoid wide expanses of lawn that spread edge to edge, and break up any large areas of turf with planting or paths. Consideration should be given to plant selections emphasizing native and drought-resistant species. Shade trees and fruit trees that recall earlier orchards are encouraged. Landscape plans and materials should be compatible with the character of the site, and therefore should avoid large expanses of impervious or hard materials.

Screening and landscaping should not be used as a substitute for good architectural design. Landscape plans should take into consideration the future impact the new planting may have in obstructing views to or from adjacent dwellings or enjoyment of the neighborhood's semi-rural setting.

Mid-Parcel Outdoor areas

Whenever a parcel accommodates more than one detached residential unit, mid-parcel outdoor areas amounting to no less than 1,000 square feet are required. Mid-parcel outdoor area are to consist of courtyards, patios, decks or other, similar types of outdoor spaces that are appropriately designed and improved specifically for the common enjoyment of inhabitants of adjacent residential units. Private balconies and screened outdoor spaces of individual residential units do not satisfy this requirement.

Application of The Secretary's Standards:

The Secretary of the Interior is responsible for establishing standards and guidelines for all programs subject to authority of the National Park Service, and for advising Federal agencies on the preservation of historic properties listed or eligible for listing in the National Register of Historic Places. In partial fulfillment of this responsibility, The Secretary's Standards have been developed to direct work undertaken on historic buildings of National Register eligibility or listing. The Secretary's Standards also encompass related landscape features and the building's site and environment as well as attached adjacent or related new construction. The Secretary's Standards are to be applied in a reasonable manner, taking into consideration economic and technical feasibility.

Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values. Proposals that will include properties that have been determined eligible will be required to meet the Secretary of Interior's Standards.

Applicable Fees:

This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, park facilities, and parkland in lieu, capital facilities and traffic impact. All applicable fees shall be calculated and paid at the fee rates in effect at the time of building permit issuance.

Environmental Review:

An Initial Study and Draft Mitigated Negative Declaration have been prepared for this project. The environmental analysis identified concerns regarding potential impacts to Air Quality, Cultural Resources, and Hydrology and Water Quality. The Draft Mitigated Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures have been included as conditions of approval for this project. A more detailed description of the potential impacts is provided within the Initial Study for the project, which is included as an enclosure.

Mitigation measures

In addition, a Mitigation Monitoring Program is recommended for adoption in order to ensure implementation of mitigation measures.

The initial study has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources. Based on this finding, a Certificate of Fee Exemption will be submitted with the Notice of Determination after project approval, as required by Public Resources Code section 21089 (see attachment to Draft Mitigated Negative Declaration). The Certificate of Fee Exemption allows the project to be exempted from the review fee and environmental review by the California Department of Fish and Game.

This project was submitted to the Alameda County Congestion Management Agency (ACCMA) for review to determine if implementation of the proposal would create an impact on the regional transportation network. A response has yet to be received from ACCMA. According to an assessment by the City of Fremont's Traffic Engineering Department, single-family homes each create 9.57 daily vehicle trips, with a p.m. peak volume of 1.01 vehicle trips between the weekday hours of four and six p.m. At full build out, the entire site would have a maximum of 143.55 daily vehicle trips, with a p.m.

peak volume of 15.15 vehicle trips between four and six p.m. By contrast, Community Commercial uses that could be established under the current General Plan designation and zoning district could result in up to 1496 daily vehicle trips, with a pm peak volume of 126.59 vehicle trips between four and six p.m. The proposed changes would therefore result in a condition that is less adverse in terms of traffic levels in the area.

PUBLIC NOTICE AND COMMENT:

Public hearing notification is applicable. A total of 169 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on May 25, 2006. A Public Hearing Notice was published by The Argus on May 25, 2006.

ENCLOSURES:

Exhibits:

- Exhibit "A" Mitigated Negative Declaration and Mitigation Monitoring Plan
- Exhibit "B" General Plan Exhibit – Neighborhood Conservation Overlay Area
- Exhibit "C" General Plan Exhibit – Community Commercial to Residential (6.5 to 10 du/acre)
- Exhibit "D" Zoning Exhibit – C-C (H) (H-I) to P-2005-239 (H)
- Exhibit "E" Preliminary and Precise Planned District – Bryant Street Residential Site Development Guidelines and Design Terms of Reference
- Exhibit "F" Findings and Conditions

Informational Items:

1. Resolution No. 9461 & Exhibit A – MSJ Historic Overlay District

Supplemental Hearing Materials:

- a. Photographs of project area

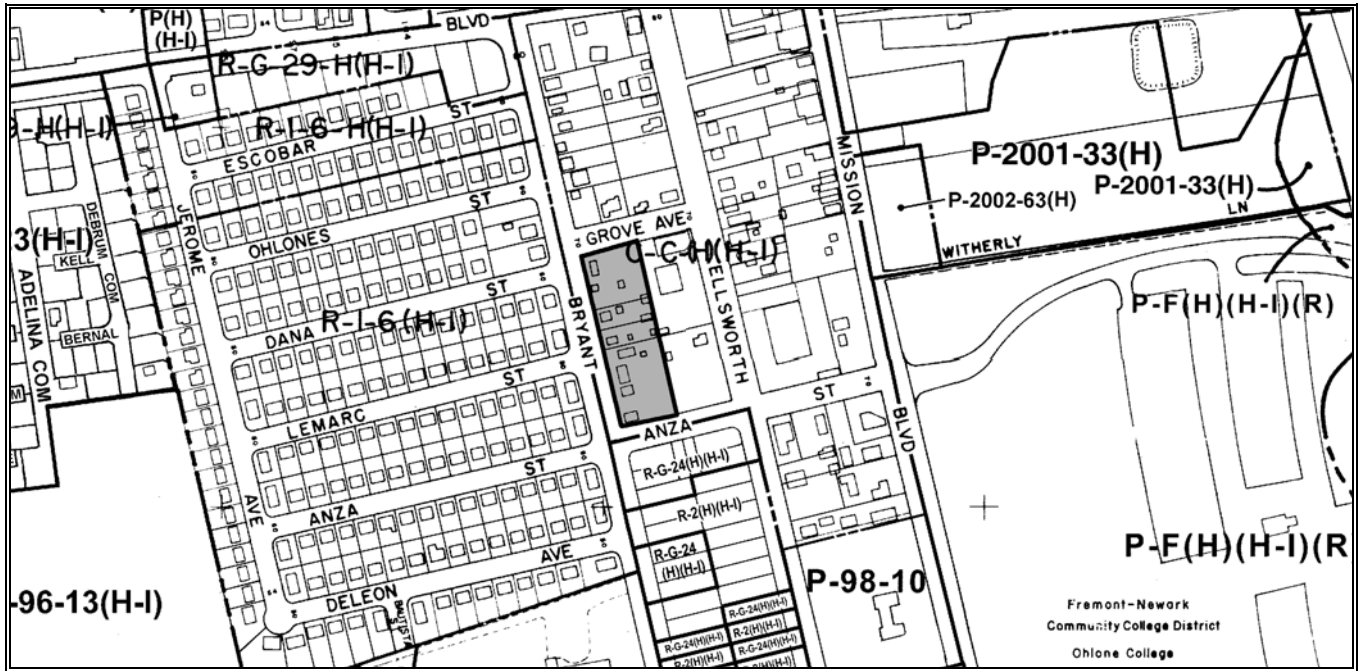
RECOMMENDATION:

1. Hold public hearing.
2. Recommend the City Council find the initial study has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources.
3. Recommend the City Council approve Mitigated Negative Declaration and Mitigation Monitoring Plan and recommend the use of a Certificate of Fee Exemption and find these actions reflect the independent judgment of the City of Fremont.
4. Find P-2005-239 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the

General Plan's Fundamental Goals, Housing and Land Use Chapters as enumerated within the staff report.

5. Recommend to Council approve P-2005-239 to amend the General Plan land use designation to allow Residential (6.5.to 10 dwelling units per acre) in conformance with Exhibit "B" (General Plan Exhibit – Neighborhood Conservation Overlay Area) and Exhibit “C” (General Plan Exhibit – Community Commercial to Residential).
6. Recommend P-2005-239 to the City Council in conformance with Exhibit “D” (Rezoning Exhibit)
7. Find, *Bryant Street Residential Site Development Guidelines and Design Terms of Reference* as per Exhibit “E” fulfills the applicable requirements set forth in the Fremont Municipal Code.
9. Recommend to the City Council the preliminary and precise site plan for P-2005-239 as shown on Exhibit “B”, “C” and “D”(Zoning and General Plan Exhibit) and Exhibit "E" *Bryant Street Residential Site Development Guidelines and Design Terms of Reference* for P-2005-239 be approved, based upon the findings contained in this report and subject to the conditions of approval set forth in Exhibit "F".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

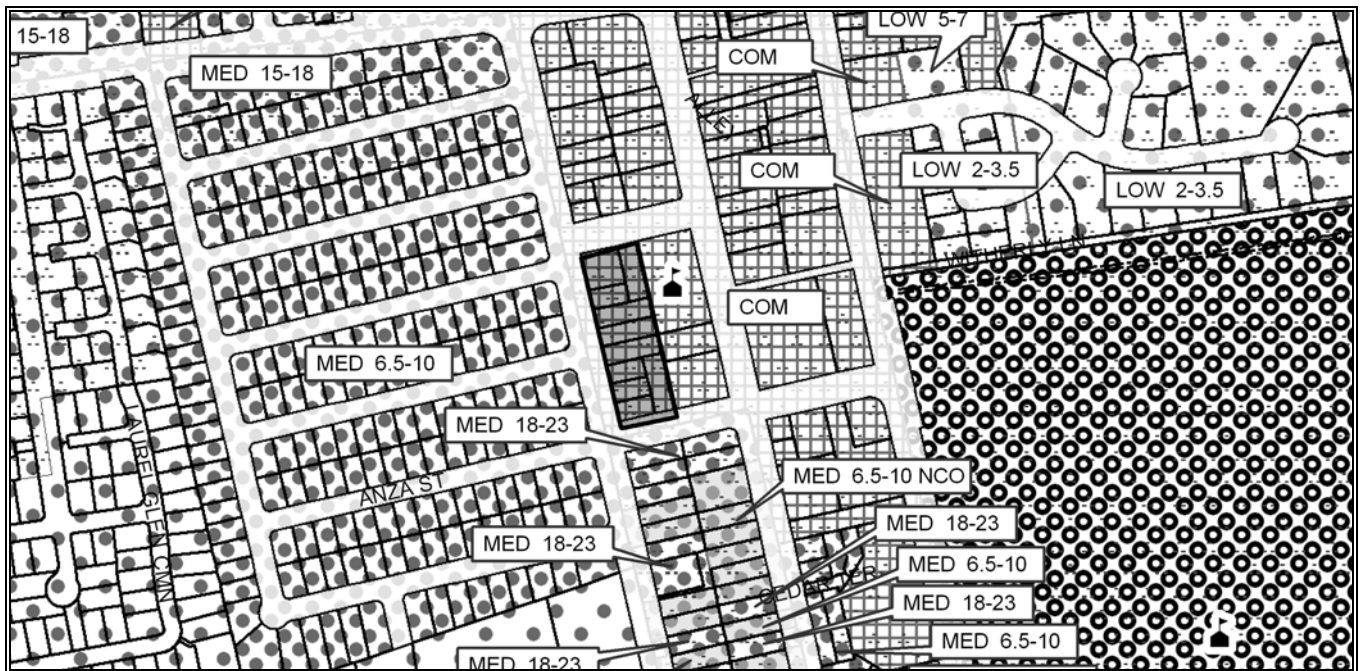


EXHIBIT "B"

Attached to and made a part of

Resolution No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **2006** .

NEIGHBORHOOD CONSERVATION AREA OVERLAY DIAGRAM (SECTION)

AFFECTS MAP(S) IN THE MISSION SAN JOSE PLANNING AREA



[pc on 2006-06-08] 84-376

Proposal: Extension of the Neighborhood Conservation Area Overlay to 10 lots within an approximately 1.55 acre block face on Bryant Street between Anza Street and Grove Avenue

Project Name: Bryant Street Neighborhood Conservation District

Project Number: PLN2005-00239 gpa

NM

EXHIBIT "C"

Attached to and made a part of

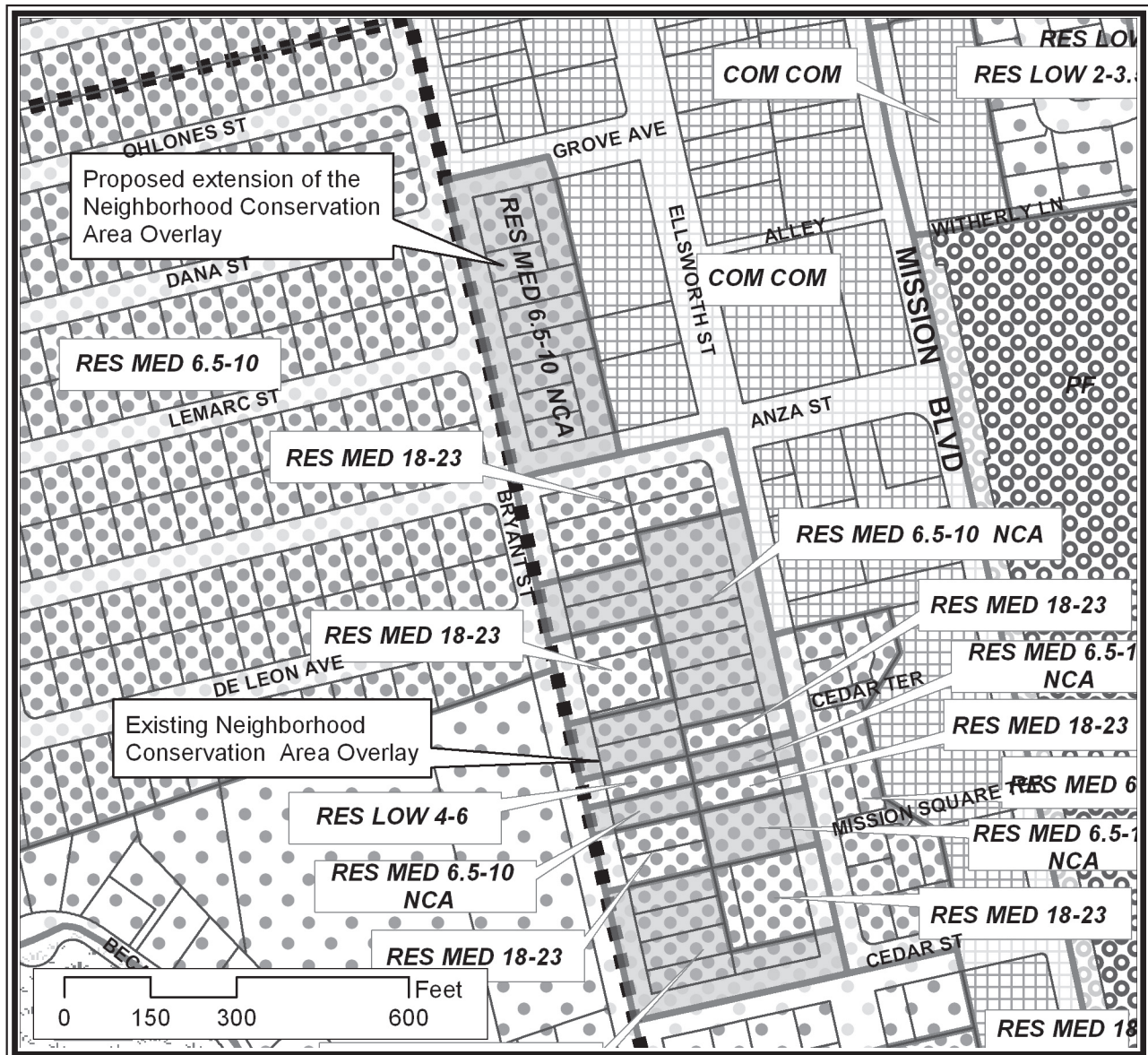
Resolution No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **2006** .

GENERAL PLAN LAND USE DIAGRAM (SECTION)

AFFECTS LAND USE MAP(S) IN THE MISSION SAN JOSE PLANNING AREA



From: C-C with Historic Overlay

To: Residential, Med 6.5-10 du/ac with Historic and Neighborhood Conservation Area Overlays

Project Name: Bryant Street Neighborhood Conservation District

Project Number: PLN2005-00239 gpa

NM

On the _____ day of _____, 2006.

AFFECTS ZONING MAP(S) FOR THE MISSION SAN JOSE PLANNING AREA



To: P-2005-239(H)

Project Number: PLN2005-00239 PD

[pc on 2006-06-08] 84-376

NM

EXHIBIT “F”
PLN2005-00239 Bryant Street Neighborhood Conservation District
(General Plan Amendment & Preliminary and Precise Planned District)

Findings:

The following findings are made based upon the information contained in the staff report as well as information presented at the public hearing, incorporated hereby:

1. Find that the proposed project is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Fundamental Goals, Housing and Land Use Chapters as enumerated within the staff report.
2. Find that the proposed project is in conformance with the standards and policies of the *Design Guidelines and Regulations for the Mission San Jose Historic Overlay District*, and that based on proposed *Bryant Street Residential Site Development Guidelines and Design Terms of Reference*, any exception or adjustment granted pertaining to setbacks and non-conforming status are warranted for the reasons mentioned in the staff report.
3. Find that the proposed project described in the application is suitable and adequate because it the properties will be designed to be sufficient in size and to be compatible in scale and appearance with the existing Mission San Jose historical character while not replicating existing single-family homes in the project vicinity area.
4. Find that the proposed project would not have a substantial adverse effect on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on the planned level of service of the street system or on other public facilities or services because adequate ingress and egress points will be designed for each individual parcel. As discussed in the report, the proposed Planned District would result in a condition that is less adverse in terms of traffic levels in the area.

Conditions of Approval

General Conditions (Must be satisfied on an on-going basis—Pre-, during-, and post-construction.)

1. Approval of PLN 2005-00239 shall conform to Exhibit "E" - *Bryant Street Residential Site Development Guidelines and Design Terms of Reference*.
2. A HARB application will be required to be submitted for review and approval for new single family and two family dwellings and side and front yard additions to single family or two family dwellings on all parcels in this project area as shown on Figure 1 in the *Bryant Street Residential Site development Guidelines and Design Terms of Reference*. Plans shall also be submitted to the Development Organization (D.O.) for review and approval to insure conformance with these conditions herein, as well as with relevant codes, policies, and other requirements of the Fremont Municipal Code.

3. The Development Organization will review for approval rear yard additions to single family or two family dwellings on all parcels in this project area as shown on Figure 1 in the *Bryant Street Residential Site development Guidelines and Design Terms of Reference*.
4. The Secretary's Standards encompasses related landscape features and the building's site and environment as well as attached adjacent or related new construction. The Secretary's Standards are to be applied in a reasonable manner, taking into consideration economic and technical feasibility. Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values. Proposals that will include properties that have been determined eligible will be required to meet the Secretary of Interior's Standards.
5. *Adjustments and Exceptions:* It is recognized that existing dwellings might not meet some of the standards established in the guidelines, e.g., an existing dwelling already may encroach into required front and side yard setbacks. Adjustments or exceptions to one or more specific requirements of these guidelines and regulations may be considered with respect to proposed alterations or additions to existing single-family residential properties, when such alterations or additions will nevertheless satisfy the overall objectives and all other specific requirements of these guidelines and regulations. Additions to existing single-family residential property include construction of a detached second residential unit.
6. *Mid-Parcel Outdoor areas:* Whenever a parcel accommodates more than one detached residential unit, mid-parcel outdoor areas amounting to no less than 1,000 square feet are required. Mid-parcel outdoor area are to consist of courtyards, patios, decks or other, similar types of outdoor spaces that are appropriately designed and improved specifically for the common enjoyment of inhabitants of adjacent residential units. Private balconies and screened outdoor spaces of individual residential units do not satisfy this requirement.
7. For each dwelling unit, two enclosed parking spaces are required (garages). Tandem parking with structures of enclosed parking areas (garages) is permitted to satisfy this requirement. There is no requirement to provide any additional off-street parking spaces.
8. The structure and required exiting for egress must comply with all local, state and federal building and fire code requirements.
9. The mitigations measures below shall be implemented at pre-, during-, and/or post-construction intervals, as listed below.

Air Quality – To mitigate the identified impacts, the following mitigation measures will be incorporated into the project:

Mitigation Measure AIR-1: During construction, the applicant shall require its construction contractor(s) to implement the following measures required as part of BAAQMD's basic and enhanced dust control procedures for sites larger than four acres. The following Basic Control Measures shall be implemented:

- a. Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions;
- b. Cover stockpiles of sand, soil and similar materials with a tarp. Cover trucks hauling dirt or debris to avoid spillage;
- c. Improvement of any impervious or pervious surfaces used for driveways, etc...shall be completed as soon as is practicable to reduce the time that bare surfaces and soils are exposed. In areas where construction is delayed for an extended period of time, the ground shall be revegetated to minimize the generation of dust;
- d. Street sweeping shall be conducted to control dust and dirt tracked from the project site onto surrounding streets; and,
- e. designate a person to oversee the implementation of this dust control program.

Cultural Resources – To mitigate the identified impacts, the following mitigation measures will be incorporated into the project:

Mitigation Measure CULTURAL – 1. No known significant paleontological or archaeological resource or object has been identified either on the project site or in the general area of the project site. There are no known unique cultural resources of this type. However, should any human remains or unique archaeological resources be discovered during site development work, the provisions of CEQA Guidelines, Section 15064.5.(e) and (f) will be followed to reduce impacts to a non-significant level.

Hydrology and Water Quality – To mitigate the identified impacts, the following mitigation measures will be incorporated into the project:

Mitigation Measure HYDRO-1: Best Management Practices elements shall be incorporated into the site design to mitigate storm water, drainage, and water quality impacts for future projects within this site. The project plan shall include erosion control measures to prevent soil, dirt, debris, or other pollutants from entering the storm drain system during and after construction. The projects shall comply with the goals of the Alameda County Urban Storm Water Runoff Program in conformance with the Federal National Pollutant Discharge Elimination System (NPDES) program established by the Clean Water Act.

Conditions 10-14 were recommended by HARB during the June 1, 2006 meeting:

10. **Clarification to minimum requirements regarding setbacks and area sizes.**
11. **Change wording on page 4 of the proposed *Design Guidelines* under the ‘Houses’ section from ‘Detailing and ornamentation should be modest and cohesive, and not mimic inappropriate historic styles (such as French Chateau or Tuscan Villa). Re-creation or imitation of any historic style is totally inappropriate’ to ‘Detailing and ornamentation should be modest and cohesive, giving reference to local historically significant architectural vernacular, without re-creating or imitating historic styles, and without referencing or mimicking inappropriate historic styles.’**
12. **Change wording on page 6 of the *Design Guidelines* from ‘Where visible from offsite locations, skylights should be flat lens type’ to ‘it is encouraged that proposals which include skylights are**

designed to not be visible from off-site locations; with particular consideration for views from locations accessible to the public. Where possible, roof penetrations and roof-mounted equipment (e.g., sewer vents, appliance chimneys, etc.) should be located on roof elevations that are hidden from street view and view from other off-site locations accessible to the public’.

13. **Remove wording on page 7 of the proposed *Design Guidelines* to not include ‘post-mounted wire netting’ type fencing.’ Also add wording with regards to not permitting the use of chain link fences.**
14. **Efforts to be made in the new designs to encourage maximum roof pitch so that new homes are compatible with the existing homes in the project area.**

Prior to Issuance of Building Permits

Planning Division Requirements:

1. Applicant shall submit appropriate plans and documents to City’s Development Organization for review to insure conformance with conditions approved Planned District and other relevant codes, policies and requirements of the Fremont Municipal Code.
2. All utility and fire appurtenances, meters and risers shall be concealed or screened from view by materials of a design and composition compatible with the architectural treatment of the project.
3. All proposed surfaces, e.g., interlocking pavers, gravel driveway are subject to review and approval of Development Organization Staff.
4. All lighting associated with the project area shall be subject to staff review and approval during the Development Organization review process. The type of lighting fixtures, their heights, intensity and direction shall be clearly indicated. Exterior lighting shall be diffused or concealed in such a way as to prevent the illumination of adjoining properties or the creation of objectionable visual impacts on other properties or streets.
5. The parking configurations and dimensions shall conform to the City’s standards and ordinances unless otherwise described in the *Bryant Street Residential Site Development Guidelines and Design Terms of Reference* and shall be reviewed as part of the Development Organization review process.
6. All mechanical equipment (i.e. air conditioning units or similar) shall be screened from view from adjacent public and private rights-of-way, on-site parking, and neighboring residential properties.
15. All provisions of the City of Fremont Landscape Development Requirements and Policies (LDRP) shall apply to this project unless otherwise approved by the City Landscape Architect.

Environmental Services Department Requirements:

1. Construction and demolition debris management: Recycling of construction and demolition debris is an important environmental concern to the City of Fremont in meeting the City’s goal of 75% waste

diversion by 2010 (Fremont Commercial/ Industrial Recycling Plan, adopted April 1999). This development will require the applicant to file a Project Waste Handling Plan and follow-up documentation, since it will generate a large amount of debris, i.e. asphaltic concrete, that can be recycled, including organic material/wood. This material may be recycled through any recycling company licensed to do business in Fremont, and recycling may cost less than disposing of the material as municipal solid waste.

2. The City of Fremont Waste Handling & Recycling Requirements document includes a **Project Waste Management Plan** that must be completed by the applicant and returned to the Environmental Services Division before any demolition or construction takes place. After the project is complete, the applicant must document actual salvage and diversion by filling in and returning the **Waste Disposal & Diversion Report** to Environmental Services. C & D material may be recycled through any recycling company licensed to do business in Fremont.

Payment of City Impact Fees

1. The project shall be subject to all citywide development impact fees. These fees may include, but are not limited to, park dedication in-lieu fee, fees for fire protection, park facilities, capital facilities and traffic impact. The fees shall be calculated at the fee rate in effect at the time of building permit issuance. An impact fee credit for the existing rectory will be provided.

During Construction Conditions (Conditions that must be satisfied during construction.)

1. Prior to the inspection of the roof sheathing, the project manager or supervising general contractor shall contact the Development Organization at (510) 494-4561 for an interim inspection by Planning Division staff of the structure to ensure that the construction is consistent with the approved architecture and building design.
2. Construction hours will be limited in accordance with Section 8-2205 of the Fremont Municipal Code, and notes to this effect shall be placed on the cover sheet of the construction plans and on an all-weather notice board (format and content specified by City) conspicuously placed adjacent to the most visible right of way for the duration of the construction activity as follows:

Monday-Friday, 7 a.m. to 7 p.m.
Saturday & Holiday, 9 a.m. to 6 p.m.
Sunday, no construction activity allowed

3. The transport of construction materials and equipment will be limited to off-peak traffic periods.

Final Occupancy Conditions (Must be satisfied prior to occupancy.)

1. The project architect shall submit a letter to the City certifying that the buildings have been constructed in conformance with the approved architectural plans, subject to the review and approval of the Development Organization.

2. Compliance with all conditions listed above under "General Conditions" relating to 'post-construction' mitigation measures (e.g., erosion control).

End of Planned District Conditions